

United States Courts
Southern District of Texas
FILED

OCT 28 2019

David J. Bradley, Clerk of Court

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

JOHN SAIN, et al.,

Plaintiffs,

v.

BRYAN COLLIER, et al.,

Defendants.

§
§
§
§
§
§
§

CIVIL ACTION NO.
4:18-cv-04412

PLAINTIFFS' MOTION REQUESTING CORRECTION OF CLERICAL ERRORS

TO THE HONORABLE UNITED STATES DISTRICT COURT:

Plaintiffs Pro se, in the above styled and numbered case, request the Court review and correct the clerical errors in the Courts recent Order per Fed. R. Civ. P. Rule 60 (a).

On October 15, 2019 Plaintiffs were served this Courts order granting application to proceed Informa Pauperis, Doc. 131, dated October 8, 2019. There are two clerical errors that require correction:

- 1) Page 4, para 4, Plaintiff John Sain (TDCJ# 01675667) - Should read (TDCJ# 01373168)
- 2) Page 4, para 5, Thereafter, John Sain (TDCJ# 01675667) - Should read (TDCJ# 01373168)

Plaintiffs request the Courts review, that the Court instruct the Clerk to make the appropriate corrections and republish this order to all parties originally served.

Respectfully Submitted,

Dated: October 21, 2019

CERTIFICATE OF CONFERENCE

Whereby their signatures below, Plaintiffs do hereby certify/declare that a conference is not possible because Plaintiffs are incarcerated in Texas Department of Criminal Justice, Institutional Division, and are proceeding Pro Se in this cause. Plaintiffs will not speculate on whether the Defendants oppose this motion.

CERTIFICATE OF SERVICE

Whereby their signatures below, Plaintiffs do hereby certify/declare that true and correct copies of the foregoing document was forwarded via U.S. First Class Mail, postage pre-paid, to the following parties:

- a. Bryan Collier
TDCJ Executive Director
Texas Department of Criminal Justice
- b. James McKee
Warden
O.L Luther Unit (P2)
- c. Texas Department of Criminal Justice
c/o Bryan Collier
TDCJ Executive Director

Service was perfected to the above Defendants through their Attorneys of Record for Service:

Todd Disher

Attorney In Charge
Office of Attorney General of Texas
209 W 14th, 8th Floor
Austin, TX 78701

Leah Jean O'Leary

Office of the Attorney General
Law Enforcement Defense Division
P.O. Box 12548 Capital Station
Austin, TX 78711-2548

CERTIFICATE OF MAILING

Whereby their signatures below, Plaintiffs do hereby certify/declare that the foregoing document was delivered to the United States Post Office for processing (U.S. First Class postage, pre-paid).

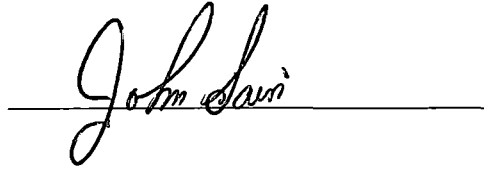
Pursuant to Fed. R. App. P. Rule 25 (a)(2)(A)(iii), "Mailbox Rule," Pro se documents filed at the time they are placed in the institutional mailing system for processing.

INMATE DECLARATION

We, the Plaintiffs listed below, being over 18 years of age, of sound mind, capable of making this declaration due to the facts that we: suffer from and/or experience(d) one or more of the conditions described; attended consultations with qualified medical and other professionals; having been trained by medical personnel to recognize and treat complications due to illness/heat/cold; having studied materials listed under Fed. R. Civ. P. Rule 902; through our personal observations; and due to belief and empirical knowledge that the facts stated above; pursuant to 28 U.S.C. § 1746, do hereby declare under penalty of perjury that the foregoing is true and correct from personal knowledge.

Executed on October 21, 2019

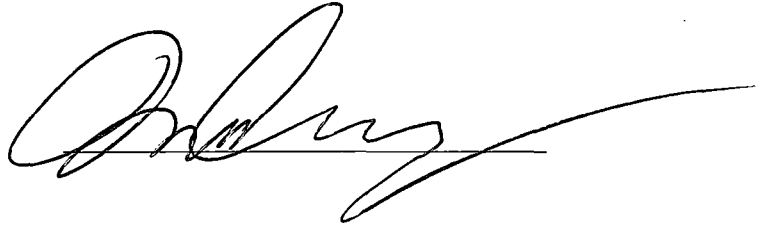
JOHN SAIN, Pro Se
TDCJ ID# 01373168
O.L. Luther Unit (P2)
1800 Luther Dr.
Navasota, TX 77868-4714

Handwritten signature of John Sain in black ink, written over a horizontal line.

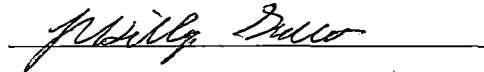
SALVADOR CAPUCHINO, Pro Se
TDCJ ID# 01675667
O.L. Luther Unit (P2)
1800 Luther Dr.
Navasota, TX 77868-4714

Handwritten signature of Salvador Capuchino in black ink, written over a horizontal line.

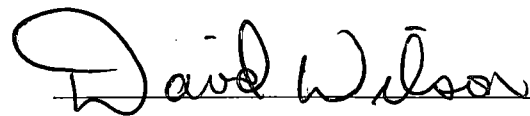
DAVID CUMMINGS, Pro Se
TDCJ ID# 02153663
O.L. Luther Unit (P2)
1800 Luther Dr.
Navasota, TX 77868-4714

Handwritten signature of David Cummings in black ink, written over a horizontal line.

PHILLIP GULLETT, Pro Se
TDCJ ID# 01672020
O.L. Luther Unit (P2)
1800 Luther Dr.
Navasota, TX 77868-4714

Handwritten signature of Phillip Gullett in black ink, written over a horizontal line.

DAVID WILSON, Pro Se
TDCJ ID# 01648044
O.L. Luther Unit (P2)
1800 Luther Dr.
Navasota, TX 77868-4714

Handwritten signature of David Wilson in black ink, written over a horizontal line.